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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,536	01/15/2003	Julie Salamone	0093180022999	3577
26381	7590	03/22/2006		
LACASSE & ASSOCIATES, LLC 1725 DUKE STREET SUITE 650 ALEXANDRIA, VA 22314			EXAMINER HOANG, PHUONG N	
			ART UNIT 2194	PAPER NUMBER

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/890,536

Applicant(s)

SALAMONE ET AL.

Examiner

Phuong N. Hoang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/28/01.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

### **DETAILED ACTION**

1. Claims 1 – 10 are pending for examination.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the pre-amble of claim 1 claimed a method of activating a process, but the body of the claim does not mention about the activating process. Either the pre-amble is inaccurate or the body of the claim is incomplete.

4. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the body of the claim does not support the pre-amble of the claim of a server computer.

#### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 6, 9 and 10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

a. Claim 6 merely recites a computer system comprising plug-ins and process. These components are software components, i.e., computer program per se. Such claimed matter, which is non-functional descriptive material per se, is not statutory because it is not a physical "thing" nor a statutory process as there are not "act" being performed. Since a computer program is merely a set of instructions capable of being executed by a computer, the program itself is not a process, without the computer-readable medium needed to realize the computer's functionality. In contrast, a claimed computer-readable medium encoded with a computer program defines structural and functional interrelationships between the computer program and the medium which permit the computer program's functionality to be realized, and is thus mandatory.

b. Claims 9 and 10 are dependent claims of claim 6 and not support the functional descriptive material for claim 6. They are rejected for the same reason as claim 6 above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 1 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over “The Common Object Request Broker: Architecture and Specification” (herein refers as Corba).**

**8. Corba is IDS filed by applicant on 7/28/01.**

**9. As to claim 1, Corba teaches a method of activating a process, comprising:**

Generating one or more first plug-ins (create portable object adapter (POA), 9.2.3) each configured to activate (active state, 9.3.2. and 9.3.3) a target process (target objects);

registering the first plug-ins with a second plug-in (an AdapterActivator object must ..... registered with, 9.3.3, 9.3.4, and 9.3.2);

Permanently storing information relating to each registered first plug-in (the POA is given a name, figure 9 – 2 and 9.2.3).

Corba does not explicitly teach the step of registering is dynamic. However, Corba teaches the implementation is dynamic (9.6.11 and dynamic creation and invocation of request to objects, chapter 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that the dynamic implementation would include dynamic registering as one of processes during implementation because the registering would let the system know which objects exist.

10. **As to claim 2**, Corba teaches storing a flag for each registered first plug-in (processing states, 9.3); activating the corresponding target process if the flag is set to a second state (active).

11. **As to claim 3**, Corba teaches generating an exception to indicate that a target process is inactive when its flag is not set to the first state or second state (adapterinactive exception, 9.3.2 processing states).

12. **As to claim 4**, Corba teaches providing a unique identifier for each target process (POA name, figure 9 – 2 and 9.2.3); and sending and receiving a message between the first and second plug-ins using the identifier (a request from the POA to an adapter activator .....delivered to that POA, 9.3.3).

13. **As to claim 5**, Corba teaches the message includes information relating to a state change of the target processes, and wherein the state includes an activated state and a deactivated state (deactivate state, 9.3.2).

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14. **As to claim 6**, this is the system claim of claim 1. See rejection for claim 1 above.

15. **As to claims 7 – 10**, see rejection for claims 2 – 5 above.

### ***Conclusion***

16. The prior art made of record but not relied upon request is considered to be pertinent to applicant's disclosure.

Cavanaugh, US patent no. 6,516,354, demonstrating a CORBA system with portable server, portable object adapter.

Chu et al., US patent no. 6,718,376, demonstrating a method for providing remote management using CORBA implementation.


17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong N. Hoang whose telephone number is (571)272-3763. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ph  
March 14, 2006

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER